

**Smith, Gambrell & Russell, LLP**  
ATTORNEYS AT LAWATLANTA OFFICE  
\*\*\*\*

SUITE 3100, PROMENADE II  
1230 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA 30309-3592  
TELEPHONE  
(404) 515-3500  
FACSIMILE  
(404) 510-3500

Suzannah K. Sundby, Esq.  
Direct Dial: 202-263-4332  
Direct Fax: 202-263-4352  
ssundby@sgrlaw.com

SUITE 800  
1850 H STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 263-4300  
FACSIMILE (202) 263-4320  
WEBSITE WWW.SGRLAW.COM  
\*\*\*\*

Established 1893

FLORIDA OFFICE  
\*\*\*\*

SUITE 2800, BANK OF AMERICA TOWER  
50 NORTH LAURA STREET  
JACKSONVILLE, FL 32202  
TELEPHONE  
(904) 693-8100  
FACSIMILE  
(904) 523-5300

26 January 2005

# Fax

To:	John Gillon, Esq.	From:	Suzannah K. Sundby
Fax:	571-273-0025	Phone:	571-272-3214
Date:	26 January 2005	Pages:	4 (including cover page)

In re Application of:

OLSON, *et al.*

Serial No.: 10/083,336

Filed: 27 February 2002

For: RICIN VACCINE AND METHODS OF MAKING AND  
USING THEREOF

Art Unit: 1652

Examiner: Rao, Manjunath

Atty. Dckt: 034047.016 (RIID 01-58)

The following are being submitted via facsimile to the United States Patent and Trademark Office on 26 February 2005:

1. Email correspondence regarding inventor's refusal to sign.

**Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-0025

on 26 January 2005, by Suzannah K. Sundby

Signed: 

Ross D

**Sundby, Suzannah**

---

**From:** LeClaire, Ross D [leclairer@BATTELLE.ORG]  
**Sent:** Thursday, November 04, 2004 12:06 PM  
**To:** Sundby, Suzannah  
**Subject:** RE: Ricin inventorship determination

Susannah,

At this point I do not feel comfortable signing the documents you forwarded in that I do feel I played a key, active role in the conceptual origin and reduction to practice for this product between 1995 and 2002. I have shared my view on contributions with LTC Charles Millard. He would best provide you with an unbiased assessment. I will do what ever is necessary to support the interest of DoD in this matter.

Thank you for contacting me.  
Ross LeClaire

---

**From:** Sundby, Suzannah [mailto:ssundby@sgrlaw.com]  
**Sent:** Thursday, November 04, 2004 11:07 AM  
**To:** LeClaire, Ross D  
**Cc:** Elizabeth Arwine (E-mail)  
**Subject:** Ricin inventorship determination  
**Importance:** High

Ross,

Hope this finds you well at Battelle. Please confirm receipt by reply.

If you remember, we conducted an inventorship determination on the invention entitled "Ricin Vaccine and Methods of Making and Using Thereof".

We determined that you were incorrectly listed as an inventor. See Elizabeth Arwine's email below.

Therefore, I have attached two documents (pdf files) that state that you are not an inventor and the error occurred without deceptive intention. Please note one is for the original case which is about to issue and the other is for a continuation application claiming priority to the original case.

Please sign the two documents and fax back to me ASAP with the hard copies followed via U.S. Mail.

If you have any questions, please contact Ms. Arwine or me.

Best regards,  
Suzannah

\*\*\*\*\*  
Suzannah K. Sundby, Esq.\*

ssundby@sgrlaw.com  
Direct: 202-263-4332  
Fax: 202-263-4352

01/26/2005

Ross D

Smith, Gambrell & Russell, LLP  
1850 M Street, NW #800  
Washington, DC 20036  
Main: 202-263-4300

\* Practice limited to matters and proceedings before federal courts and agencies.

-----Original Message-----

**From:** Arwine, Elizabeth A Ms USAMRMC [mailto:elizabeth.arwine@us.army.mil]

**Sent:** Wednesday, November 03, 2004 11:01 AM

**To:** Olson, Mark A Dr USAMRIID; Wannemacher, Robert W Dr Anteon Corp.; Millard, Charles B LTC WRAIR-Wash DC; Smith, Leonard A Dr USAMRIID; Roxas, Virginia P Dr USAMRIID

**Cc:** Dertzbaugh, Mark T Dr USAMRIID; Azarion, Maryam Ms USAMRMC; Mele, Paul C Dr USAMRMC; Winchester, Jay B Mr USAMRMC; Sundby, Suzannah

**Subject:** RIID 01-58 Patent Applications for Ricin Vaccine & Methods of Making & Using Thereof

**RIID 01-58**

Ricin Vaccine & Methods of Making & Using Thereof

US 10/083,336 filed 27 February 2002

PCT/US02/05732

US 10/923,022 filed 23 August 2004

**Inventors to be designated on patent applications: Olson, Byrne, Wannemacher & Millard**

All--

At the time we were preparing the patent application for this invention, there was some concern ployees about the proper listing of inventors. I asked Patent Attorney Suzannah Sundby to conduct an interview with everyone involved in the project. Since that time, I have concluded that the above listed inventors are the correct inventors under the patent statutes and caselaws. At the time the interviews were conducted there was interest in having a meeting to discuss the results of the analysis. As the list of correct inventors was susceptible to being changed because of amendments to or cancelling of claims, we deferred that meeting.

The application has now been allowed and we will be paying the issue fee not later than 24 November 2004. Ms. Sundby will be sending out documents to the concerned scientists to effect the change to inventor listing on the patent application.

I would appreciate it if you would assist her by promptly reviewing and signing the documents you receive. Also, if you have good contact information for Dr. Ross LeClaire and Dr. Michael P. Byrne, I would appreciate it if you would provide it to me.

Finally, I would like to know whether interest still remains in having the inventorship determination explained to the concerned parties. If so, please let me know and we will set up a time this month to brief everyone.

Liz

Elizabeth Arwine  
Patent Attorney & IP Counsel  
USAMRMC & MEDCOM  
504 Scott Street  
Fort Detrick, MD 21702-5012  
ATTN: MCMR-JA (Ms. Arwine)  
Tel: (301) 619-7808  
Fax: (301) 619-5034

This message originates from the law firm of Smith, Gambrell & Russell, LLP. This e-mail message and all attachments may contain legally privileged and confidential information intended solely for the use of the addressee. If you are not the intended recipient, you should immediately stop reading this message and delete it from your system. Any unauthorized reading, distribution, copying, or other use of this message or its attachments is strictly prohibited. All personal messages express solely the

01/26/2005

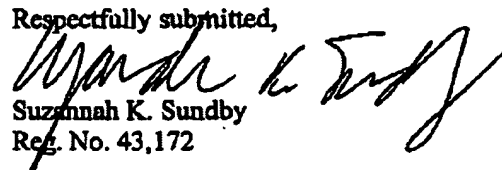
Ross D

sender's views and not those of Smith, Gambrell & Russell, LLP. This message may not be copied or distributed without this disclaimer. If you received this message in error, please notify us immediately at [postmaster@sgrlaw.com](mailto:postmaster@sgrlaw.com).

PATENT USSN: 10/083,336  
Atty Dkt: 034047.016 (RIID 01-58)

If extensions of time under 37 C.F.R. §1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to Deposit Account No. 210-380, Attorney Docket No. 034047.016 (RIID 01-58).

Respectfully submitted,

  
Suzannah K. Sundby  
Reg. No. 43,172

Date: 10 November 2004  
Smith, Gambrell & Russell, LLP  
1850 M Street, NW, #800  
Washington, DC 20036  
Direct: 202-263-4332

---

**Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop: AF, P.O. Box 1480, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

On 10 November 2004, by Suzannah K. Sundby

Signed: 

---

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	7926
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	01/26 13:41
TIME USE	00'38
PGS.	4
RESULT	OK